

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, Applicant has reviewed the Final Office Action of October 15, 2003, and submits that the above amendments and the following remarks are responsive to all points raised therein.

I. Allowable Subject Matter

Applicant notes the Examiner's acknowledgment of the allowable subject matter Claims 1-16 and 21, and accepts the allowances.

II. Claim Amendments

Applicant has amended the claims to overcome the arguments raised by the Examiner in the Final Office Action. The Examiner has indicated, "that Claim 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." By rewriting Claim 17 to include the limitations of Claims 18 and 19 the Applicant has placed the claim in allowable form, and overcome the rejections to Claim 17. Claim 20 has been rewritten to include the limitation of a frozen product, which is similar to the Examiner's direction for Claim 19, and places Claim 20 in allowable form.

III. Rejection under 35 U.S.C. § 103(a)

The Applicant reiterates the arguments raised in the Response filed on August 25, 2003. And, because of the alterations made to the claims that include freezing the vegetable, the

Applicant asserts that the invention recited in the present claims is readily distinguishable from the cited reference.

The Examiner states claims 17, 18, and 20 were rejected under 35 U.S.C. §103(a) “as being unpatentable over Yamazaki et al., U.S. Patent 3,962,355 (the ‘355 patent).

The Examiner’s argument for rejection is based on the ‘355 patent that discloses an invention related to a method for producing a dehydrated fried snack food from fruits and vegetables. The specific method of producing the food product teaches: cutting apples into pieces; placing the pieces in a sugar syrup; draining any excess syrup from the pieces; drying the drained pieces using hot air until reaching a moisture content of 6% to 8%; frying the dried pieces in oil for 3 to 4 minutes at a reduced pressure of 0 to 160 mm Hg; and, cooling the fried pieces until hardened. The resultant product is a dehydrated food product produced from fruits and/or vegetables.

Nowhere, in the ‘355 patent does it teach, disclose, or suggest freezing the fruit or vegetable. As indicated by the Examiner in the Final Office Action, if the limitation directed to the freezing of the onion is incorporated into the independent base claim, the claim will be placed in allowable form.

The present amended Claim 17 teaches a sautéed onion that is formed by cutting the onion into 1/8th inch cubed pieces to slices, caramelizing the pieces by sautéing the pieces with a sautéing agent, lowering the final amount of total moisture content to less than 7% by weight, blanching the onion, and freezing the resultant product. Claim 20 is similar to Claim 17 except it is directed to a sautéed vegetable. The sautéed vegetable is formed with the same process as

discussed in Claim 17, except blanching is not required. The present resultant food product is a frozen sautéed food product.

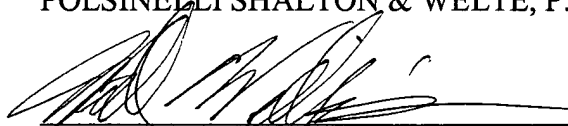
For the above discussed reasons, it is asserted that nowhere in the cited reference does it teach, suggest, or make obvious the present invention, and in particular, a sautéed vegetable product that is caramelized with a moisture content equal to or less than 7% by weight, and frozen.

IV. Conclusion

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel. Allowance of all pending claims, Claims 1 through 21 are respectfully requested.

Respectfully submitted,

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